

Windels Marx Lane & Mittendorf, LLP
156 West 56th Street
New York, New York 10019
Tel: (212) 237-1000
Howard L. Simon (hsimon@windelsmarx.com)
Kim M. Longo (klongo@windelsmarx.com)
Antonio J. Casas (acasas@windelsmarx.com)

Hearing Date: November 18, 2014 at 10 a.m.
Objection Deadline: November 11, 2014 at 5 p.m.

*Special Counsel to Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and
the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

IRVING H. PICARD, Trustee for the
Liquidation of Bernard L. Madoff Investment
Securities LLC,

Plaintiff,

v.

EDWARD BLUMENFELD, individually, and as
Trustee for SUSAN BLUMENFELD GST
TRUST, TRUST F/B/O SUSAN
BLUMENFELD, TRUST F/B/O DAVID
BLUMENFELD, and TRUST F/B/O BRAD

Adv. Pro. No. 10-04730 (SMB)

BLUMENFELD;

SUSAN BLUMENFELD, individually, and as
Trustee for TRUST F/B/O SUSAN
BLUMENFELD, TRUST F/B/O DAVID
BLUMENFELD, TRUST F/B/O BRAD
BLUMENFELD, DAVID BLUMENFELD
FARMINGDALE TRUST, BRAD
BLUMENFELD FARMINGDALE TRUST,
BOXWOOD REALTY GROUP, and
DOGWOOD REALTY GROUP;

DAVID BLUMENFELD, individually, and as
Trustee for SUSAN BLUMENFELD GST
TRUST, THE DAVID BLUMENFELD
FAMILY TRUST, TRUST F/B/O DAVID
BLUMENFELD, BOXWOOD REALTY
GROUP, and DOGWOOD REALTY GROUP;

BRAD BLUMENFELD, individually, and as
Trustee for SUSAN BLUMENFELD GST
TRUST, THE DAVID BLUMENFELD
FAMILY TRUST, TRUST F/B/O BRAD
BLUMENFELD, BOXWOOD REALTY
GROUP, and DOGWOOD REALTY GROUP;

HARVEY COHEN, individually, and as Trustee
for EDWARD BLUMENFELD AND SUSAN
BLUMENFELD CHARITABLE LEAD
TRUST, EDWARD AND SUSAN
BLUMENFELD 2007 CHARITABLE LEAD
TRUST, and BRAD BLUMENFELD
CHARITABLE LEAD TRUST;

BLUMENFELD DEVELOPMENT GROUP,
LTD.; EDWARD AND SUSAN
BLUMENFELD CHARITABLE LEAD
TRUST; EDWARD BLUMENFELD & SUSAN
BLUMENFELD 2007 CHARITABLE LEAD
TRUST; TRUST F/B/O SUSAN
BLUMENFELD; SUSAN BLUMENFELD GST
TRUST; TRUST F/B/O DAVID
BLUMENFELD; EDWARD BLUMENFELD &
SUSAN BLUMENFELD, GUARDIANS FOR
DAVID BLUMENFELD NY UGMA; BRAD
BLUMENFELD CHARITABLE LEAD

TRUST; TRUST F/B/O BRAD
BLUMENFELD; EDWARD BLUMENFELD &
SUSAN BLUMENFELD, GUARDIANS FOR
BRAD BLUMENFELD NY UGMA; THE
BRAD BLUMENFELD FAMILY
FOUNDATION; THE EDWARD AND SUSAN
BLUMENFELD FOUNDATION; BULL
MARKET FUND; EDWARD BLUMENFELD
ET AL II; DWD ASSOCIATES, LLC; BDG
DWD ASSOCIATES, LLC; EDB CAPITAL,
LLC; DOUBLE B SQUARED LLC; EDWARD
BLUMENFELD GERALD Y MORDFIN ET
AL; DOGWOOD REALTY GROUP;
EDWARD BLUMENFELD ET AL;
LAGUARDIA CORPORATE CENTER
ASSOCIATES, L.P.; LAGUARDIA
CORPORATE CENTER ASSOCIATES, LLC;
BOXWOOD REALTY GROUP; SOUTH SEA
HOLDINGS L.P.; BDG PISCATAWAY, LLC;
BDG KINGSBRIDGE, LLC; BWI; SUSAN
BLUMENFELD INTERIORS, LTD.; BDG
CONSTRUCTION CORP.; DAVID
BLUMENFELD FARMINGDALE TRUST;
THE DAVID BLUMENFELD FAMILY
TRUST; BRAD BLUMENFELD
FARMINGDALE TRUST; 45 SOUTH
SERVICE ROAD, LLC; BCC II, LLC; BDG
COMMACK, LLC; BDG DEER PARK
ASSOCIATES, LLC; BDG LAKE GROVE I,
LLC; BDG LARKFIELD ASSOCIATES, LLC;
CHARLESTON ENTERPRISES, LLC;
DANIEL LAND CO. LLC; BDG DANIEL
STREET, LLC; GOTHAM PLAZA
ASSOCIATES, LLC; BDG 125TH STREET,
LLC; 10 MICHAEL DRIVE ASSOCIATES,
L.P.; 500 BI-COUNTY ASSOCIATES, L.P.;
ARC-BDG SETAUKET ENTERPRISE;
BLUMCO SETAUKET, LLC; COBLUM
SETAUKET, LLC; BDG 115
BROADHOLLOW, L.P.; MAXROB, L.P.; B-4
PARTNERSHIP; 125 BETHPAGE
ASSOCIATES; and BDG YAPHANK, LLC,

Defendants.

**NOTICE OF MOTION FOR ENTRY OF AN ORDER PURSUANT TO SECTION 105(a)
OF THE BANKRUPTCY CODE AND RULES 2002 AND 9019 OF THE FEDERAL
RULES OF BANKRUPTCY PROCEDURE APPROVING A SETTLEMENT
AGREEMENT BY AND BETWEEN THE TRUSTEE AND THE DEFENDANTS**

PLEASE TAKE NOTICE that Irving H. Picard (the “Trustee”), as trustee for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC (“BLMIS”) and the estate of Bernard L. Madoff (“Madoff,” and together with BLMIS, collectively, the “Debtors”), by and through his undersigned counsel, will move before the Honorable Stuart M. Bernstein, United States Bankruptcy Judge, at the United States Bankruptcy Court, the Alexander Hamilton Customs House, One Bowling Green, Courtroom 723, New York, New York 10004, on **November 18, 2014 at 10:00 a.m.**, or as soon thereafter as counsel can be heard, for an order, pursuant to section 105(a) of the United States Bankruptcy Code, 11 U.S.C. §§ 101 *et seq.*, and Rules 2002 and 9019 of the Federal Rules of Bankruptcy Procedure, approving a settlement agreement (the “Agreement”) by and among the Trustee and the Defendants as more particularly set forth in the motion annexed hereto (the “Motion”).¹

PLEASE TAKE FURTHER NOTICE that responses or objections to the Motion, if any, must be in writing, shall conform to the Bankruptcy Rules and other applicable rules and orders of this Court, and shall be filed in accordance with General Order M-399 and the electronic filing procedures for the United States Bankruptcy Court for the Southern District of New York (available at www.nysb.uscourts.gov), with a courtesy copy delivered to the Chambers of the Honorable Stuart M. Bernstein, and shall be served upon (a) Windels Marx Lane & Mittendorf, LLP, 156 West 56th Street, New York, NY 10019, Attn: Howard L. Simon, Esq.; (b) Irving H. Picard, Esq., c/o Baker & Hostetler LLP, 45 Rockefeller Plaza, New York, NY 10111; (c) Goodwin Proctor LLP, The New York Times Building, 620 Eighth Avenue, New

¹ All defined terms not otherwise defined herein shall have the meaning ascribed in the Motion.

York, NY 10018, Attn: William P. Weintraub, Esq.; and (d) Clayman & Rosenberg LLP, 305 Madison Avenue, Suite 1301, New York, NY 10165, Attn: Seth L. Rosenberg, Esq., so as to be received no later than **November 11, 2014 at 5:00 p.m.** Any objections must specifically state the interest that the objecting party has in these proceedings and the specific basis of any objection to the Motion.

PLEASE TAKE FURTHER NOTICE that if no responses or objections are timely filed and served with respect to the Motion, the Motion shall be deemed uncontested and an order granting the requested relief may be entered with no further notice or opportunity to be heard offered to any party.

Dated: New York, New York
October 17, 2014

Respectfully submitted,

/s/ Howard L. Simon

Windels Marx Lane & Mittendorf, LLP

156 West 56th Street

New York, New York 10019

Telephone: (212) 237-1000

Facsimile: (212) 262-1215

Howard L. Simon

Email: hsimon@windelsmarx.com

Kim M. Longo

Email: klongo@windelsmarx.com

Antonio J. Casas

Email: acasas@windelsmarx.com

Attorneys for Irving H. Picard,

Trustee for the Substantively Consolidated

SIPA Liquidation of Bernard L. Madoff

Investment Securities LLC and the Estate of

Bernard L. Madoff